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EXAMINATION OF THE REPORTS SUBMITTED BY THE STATES PARTIES
IN CONFORMITY WITH ARTICLE 18 OF THE CONVENTION

Initial Reports of the States Parties

PERU

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ADVANCES TOWARDS THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN IN PERU

Discrimination against women began with civilization itself, being directly related to the way power relationships evolve in society. The woman was always limited to reproductive functions within the family, while the man's concerns were with the political, economic and cultural affairs of society.

Peruvian society has its origins in this model of the sexual division of labour and its attendant power relationships, a model in which women suffer from the pressures inherent in their status of dependence.

Accordingly, the situation of women in our country demonstrates to us their status of disadvantage vis-à-vis the male population.

There have been movements in the country, especially since women have begun to lend their weight to different approaches to this problem. The State too has undertaken significant initiatives in the legislative area.

With the International Women's Year came an impulse for reflection on the problems facing women and for the shaping of a number of initiatives on behalf of sexual equality.

In Peru, for example, the Political Constitution of the State in 1979 proclaimed the full equality of the sexes, and in 1984, following the philosohpy of that document, the Civil Code introduced equal rights and obligations for men and women.

General considerations

The Republic and sovereign State of Peru is governed under a political system of representative democracy. The country's total area covers 1,285,215.6 km^2, including the coastal islands and the Peruvian part of Lake Titicaca; of this total, the insular area amounts to 133.4 km^2.

The territory of Peru is divided into three regions: the Coast with an area of 141,347 km^2, the Sierra (highlands) with 385,562 km^2, and the Selva (jungle) with 758,277 km^2. Our country is the third-largest in South America, after Brazil and Argentina. With regard to its political and administrative structures, Peru is a democratic and social republic, independent and sovereign, based on labour.

The national Government is unitary, representative and decentralized. Peru is divided into 24 departments and one constitutional province (El Callao), 177 provinces and 1,736 districts, which correspond, respectively, to the larger, intermediate and smaller units into which the country is politically and administratively broken up. The capital is Lima and is located at the centre of the coastal zone, which together with Callao forms the metropolitan area, with a concentration of 27 per cent of the total population of the Coast, another 23 per cent of the population being distributed among the other departments of the coastal region. The Coast is the most economically developed and most densely populated zone, while the Sierra is the least developed and accounts for 39.4 per cent of our country's total population. The Selva, the largest part, is the most thinly populated, with only 10.6 per cent of the population and a low level of development (Peru, Compendio Estadístico 1986, National Institute of Statistics (INE)).

The Peruvian population and its geographical distribution by region in 1988

Total population: 20,207,100 inhabitants

Zone	%	Inhabitants
Coast	50.0	10 103 550.00
Sierra (highlands)	39.4	7 961 597.4
Selva (jungle)	10.6	2 141 952.6
Total	100.0	20 207 100.0

Source: National Institute of Statistics. Prepared by CEDM-SE, Ministry of Justice, 1988.

The total population of our country in 1986 was put at 20,207,100 inhabitants, 49.7 per cent of them being female and 50.3 per cent male.

In accordance with these general characteristics, it is proper to say that Peru cannot be regarded as a whole, given that there exists within it a multiplicity of nationalities exhibiting conceptual and behavioural patterns and value systems proper to each ethnic group.

In addition, Peru is a large country with a geography and climate that in many places are wild, hostile and diverse, with the result that specific measures, when introduced, do not everywhere produce the same impact.

The uneven growth of the population, moreover, is due to the migratory flow from the countryside to the towns as people relocate in search of better living conditions and greater opportunities for work, education and services.

It is necessary to point out that, because of these factors, our Peruvian society has become polarized into a kind of antagonism between the towns and the countryside. These are a few considerations that will help us in endeavouring to analyze why discrimination against women persists in our country despite the fact that since 9 June 1981 Peru has been a Party to the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified under Legislative Resolution No. 23432 of 4 June 1982.

Seven years have elapsed since the signing of the Convention by our country, and, despite the progress achieved, the objectives and goals set forth in that document have not been met in all their aspects.

Legislation and discrimination

The Convention on the Elimination of All Forms of Discrimination against Women contains principles and measures to ensure that women enjoy equal rights in all areas. It was signed by Peru on 9 July 1981 and ratified under Legislative Resolution No. 23432 of 4 June 1982.

Article 2, paragraph 2, of the State Constitution proclaims the right to equality before the law without any discrimination for reasons of sex, race, religion, opinion or language. Men and women have equal responsibilities and opportunities.

Article 4 of the Civil Code of 1984 states that men and women have equal capacity for the enjoyment and exercise of civil rights.

Article IV, paragraph 9, of the Preliminary Title of the National Population Policy Law, Legislative Decree No. 346 of 1985, also states that the national population policy guarantees the rights of all persons to equality before the law, free from any form of discrimination.

Since 1979, the Political Constitution of Peru has endowed women with rights that are on a par with those of men, although in practice this has not meant the elimination of the discriminatory situation facing women, the reason being that a change in law does not necessarily imply a change in real conditions.

Legal instruments such as the Code of Commerce of 1902, the Code of Civil Procedure of 1912, and the Bankruptcy Procedure Law of 1932 continue to contain provisions that are not in harmony with conditions of equality between men and women since the latter remain subject to their husband's authorization for the exercise of commercial acts, although there is provision for intervention by the court in cases of a refusal on the part of the husband, whenever such intervention is justified by the interests of the family.

In the case of family mismanagement, the woman is answerable in the form of her own goods.

Leave for maternity, which is a natural right of women, is in practice very "inconvenient" for the employer, who "loses" a worker "for such a long time". This is an example of how statutory equality for women results, in many areas, in a strengthening of the obstacles that women, in attempting to develop themselves fully, normally face in society, primarily for reasons of gender, given the persistence of the erroneous notion that women are "incapable" of holding "certain" positions.

In the fiscal area, no distinction is made between men and women with regard to the payment of taxes. The woman, as "housewife", is regarded as a "family dependant", whose "employer" is the male, according to the application form for exemption from income tax payment to the Department of Taxation.

In article 2, paragraph "g", of the agreement on non-discrimination against women, there is provision for the repeal of all national penal regulations that embody such discrimination. Our criminal legislation, which dates back to 1924 and was enacted in response to realities and thinking different from those of the present day, remains in force. Here, there are two situations in which the penal regulations involve discrimination against women in Peruvian society. On the one hand, there is the problem of rape, which, although it represents a genuinely grave offence and one that affects the woman's most elementary rights, such as her sexual freedom, her physical and mental integrity, and her right to the unimpeded development of her personality, is none the less punished as one of the offences against morality, so that the legal good protected is a moral concept and not, specifically, the human person. Consequences of this are that the crime of rape is prosecuted only upon complaint by the damaged party and not automatically, that

marriage with the rapist results in exemption from punishment, and that rape within marriage is not penalized, all facts that, inter alia, are clearly to the detriment of women.

The second problem is that of abortion. The policy in this regard in our country is a repressive one, with the sole exception of abortion performed for therapeutic reasons. At the same time, with the exception of a few merely declaratory norms, no vigorous policy has been instituted to prevent this phenomenon. The consequences of this situation are universally negative: for women, since abortion represents one of the greatest causes of morbidity and mortality among mothers in our country; for the State, because of the exorbitant costs involved in providing hospital treatment for women who, owing to their poor economic condition, resort to unauthorized operations as the only resource available to them, and who then require adequate treatment for their recovery; and, finally, for the society, because the performance of abortions has become a clandestine industry working to the material advantage of those who profit through this illegal practice.

Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women requires the States Parties to introduce a series of measures, including steps of a legislative nature, to suppress the traffic in women.

Prostitution in our country constitutes a social problem that is increasing even further as a result of the economic crisis facing Peru as a developing nation. It is necessary that the task of gradually bringing this problem under control should be approached from a variety of perspectives, recognizing that prostitution is one more form of violence directed against women.

Prostitution represents a way of life among the few possibilities for earning an income available to certain women, particularly in the least advantaged social classes.

We believe that prostitution will not disappear so long as gender discrimination exists and continues to give rise to a constriction of job opportunities for women.

In the face of Peru's commitment as a State Party to take decisions regarding appropriate measures, including those of a legislative nature, to suppress all forms of traffic in women, we might note that since 1910 there have been in force in our country internal regulations known under the term then given them as "special police licences" and designed to "regulate and control" specified establishments, including brothels. Since the enactment of that ordinance, there has been a series of successive legal regulations: Supreme Decree No. 001-72-IN of 31 January 1972, amended by Supreme Decree No. 029-79-IN, amended in turn by Supreme Decree No. 009-82-IN of 31 March 1982.

Since 25 February 1983, the Ministry of the Interior is no longer in charge of the implementation of this decree, responsibility for which has been transferred to the provincial municipalities, which have been empowered to grant mayor's office licences ("licencias de alcaldía") through the respective Department of Internal Revenue. This supreme decree has been in force since 2 May 1983.

It is necessary to point out that, among other types of establishments, the decree regulates brothels and houses of assignation, indicating the location, the ban on the work of women who are still minors, the requirement for a renewable health card, and mandatory registration in the Registry of the Division of Special Licences.

The Criminal Code classifies prostitution among the offences against morality and penalizes those who induce or coerce women into prostitution or who exploit the prostitution of women for their own ends.

We understand that the regulation of the exercise of prostitution involves a series of negative consequences for the woman who finds herself in that situation, one of them being that regulation institutionalizes prostitution as a form of women's work.

Regulation, far from controlling prostitution, on the contrary breeds the conditions for its clandestine proliferation.

With regard to nationality, the Political Constitution of the State makes it clear that the fact of marriage has no effect on the nationality of the woman.

Renunciation of nationality is the only way to acquire a new nationality. There are international agreements which our country has concluded with Spain and at the Latin American level and which in practical terms mean that the adoption of any of these nationalities (Spanish or that of any Latin American country) has no effect on the nationality of origin.

The labour laws accord special treatment to aliens with a Peruvian spouse of either sex, not regarding them as falling within the limiting percentage for the number of foreign workers at an enterprise, as is true in the case of aliens married to a foreign spouse, whether male or female.

The National Population Policy Law, Legislative Decree No. 346, enacted in 1985, incorporates as a legislative measure a policy of equality with regard to the sexes, specifying in its article 2 that "... the State strengthens the family as the basic unit of society, promoting and supporting its stability and formal constitution. It carries out, to this end, actions to make it easier for couples to gain an awareness of the value and rights of children in respect of their raising and socialization as responsibilities of both the man and the woman, and regarding the equal treatment of both sexes as a guarantee of greater harmony and stability in the couple's development ...". In addition, recognition is given to, and value placed on, family work in the home, through a provision that calls for such work to be assumed by the man as well as by the woman.

With respect to the provisions of paragraph (b) of the same article, which refers to guarantees that family education should include a proper understanding of maternity as a social function, the afore-mentioned National Population Policy Law states that "The State guarantees the exercise of responsible paternity, understanding by this the couple's basic right to determine, freely and responsibly, the number and spacing of their children, and the duty of fathers to raise them and to provide adequately for their proper and essential needs".

Despite the progressive legislation represented by the National Population Policy Law, in practice these provisions are not known by the population to which they are directed. As a result, traditional behavioural patterns that discriminate against women continue to exist, so that one of the urgent and necessary requirements is the initiation, within our society, of a properly designed and aggressive campaign to disseminate information on rights that have already been recognized.

Family

The Political Constitution of the State establishes, in article 2, paragraph 2, equality between men and women and goes on to recognize for women rights on a par with those of men in specific situations.

The Civil Code of 1936 set the minimum age for marriage at 18 years for males and 16 years for females.

The husband represented the conjugal union and was the one who determined the conjugal domicile, a circumstance that, inter alia, implied an advantage for him. Accordingly, this legal instrument contained an overt element of discrimination against women.

The afore-mentioned Civil Code did not recognize the existence of concubinage, which is a de facto union between a man and a woman, a union legally recognized by the Constitution of the State and a form of relationship practiced by many couples in our country.

Changes were introduced into our legislation with the enactment of the new Civil Code in 1984, which in fact does refer in its text to de facto unions, but only with respect to property arrangements. To this end, the union must have lasted for at least two continuous years and there must be written proof to this effect (article 326 of the Civil Code). With respect to marriage, the new code lowers the legal age limits to 16 and 14 years for males and females, respectively, where there are serious reasons. Minors require the consent of their parents or, lacking it, that of their grandparents and in any case the authorization of the juvenile court judge (article 244).

With respect to the husband's name (article 24), it is no longer required that it be added to the wife's surname and preceded by the preposition "de" ("of"), such addition now being regarded as a right and, as such, subject to the will of the woman.

Under the Civil Code currently in force, both spouses have the right to participate in the management of the household and to establish and change their conjugal domicile. Each spouse may engage in any profession or industry permitted by law (article 293) and perform any work outside of the home, but only if this is justified in the light of family interests, whereby the fact is disregarded that the reason for such outside work might simply be the personal development of the woman, to cite one example.

With reference to the family goods, there are two recognized property systems within marriage: community property or joint ownership of goods acquired during marriage, on the one hand, and the separation of property, on the other. Under the first system (article 313), both spouses are responsible for the management of the property, whereas under the second, each retains the right to administer freely his or her own goods.

We should observe that no longer included is the category of reserved goods whose management fell to the woman, and that neither has there been retained the woman's right to the management of the household in its totality, a situation that in practice places her at a greater disadvantage.

With regard to children in the event of separation, the responsibility for their care is generally entrusted to the woman, with the exercise of this care to

be guided by essentially humane criteria and not on the basis of age or sex. Greater priority is to be accorded to decisions reached jointly by both parties.

For physical separation or divorce, our country recognizes a number of causes expressly indicated in the law. According to article 333 of the Civil Code, these causes are: adultery, attempt on life, serious injury, abandonment of the home, dishonourable conduct, use of drugs, serious venereal disease, homosexuality, a sentence to loss of freedom for a period of more than two years, and mutual dissent.

In actual practice in this area, it is often difficult to present proof reliably demonstrating, for example, brutality or serious injury. With respect to mutual dissent, the required two-year period for submitting an application on these grounds would seem to be excessive in certain cases.

Analysing the changes we have mentioned, it would be fair to say that they have not been of a qualitative nature with regard to the concept of the family and the woman, but rather that they have been more concerned with property, disregarding the couple and family relationship as an essentially human one. Because of customs and cultural concepts generated by the previous Code, in reality it is the man who assumes the direction of the conjugal union, impeding the full participation of his wife. To this may be added the presence, in a large number of cases, of violence directed against the woman within the existing man-women relationship.

Political participation

The conferral of citizenship on women under Law No. 12391 of 7 September 1955 put an end to the most obvious instance of discrimination against that sex. Until that time, women enjoyed no type of participation in the politics of the country for the reason that they lacked the right to vote.

At present, women account for 44 per cent of the electoral population as opposed to 56 per cent for men, a fact that demonstrates the existence of active participation on the part of women in the exercise of their right to vote. However, we must not forget this is only one of the aspects of the complex relationship between women and political participation. Over and against this participation remains the fact that it is men who at the political level hold the decision-making positions and guide the destiny of our society, and who set the standards in areas relating to women's concerns, such as health, work, family relations, etc., all areas in which women are not only directly affected, but conspicuously absent in the formulation of government policy regarding them. A consequence of this is that women do not vote with a view to their own needs and concerns and fail, through their vote, to support the few women who come forward to represent them in the political arena.

Greater participation by women at the decision-making level in the Parliament would broaden the opening for the discussion and proposal of better conditions in all those areas that comprise women's concerns, such as voluntary and conscientious maternity, the problem of rape and its legal treatment, the right to freedom from mistreatment by their partner, etc. - all problems the approach to which must be recognized as involving a political element.

Table No. 1

Leaders of main political fronts and parties by sex
1983-1987

Parties	1980 Men	1983 Women	1985 Men	1987 Women
Alianza Popular Revolución Americana (Popular Alliance of the American Revolution)	85	15	84	16
Alianza Popular (Popular Alliance)	77	23	82	18
Partido Peruano Comunista (Peruvian Communist Party)	95	05	90	10
Izqierdas Unidas (United Left)	96	04	83	17

Table No. 2

Legislative Branch: 1980-1985

Senators and deputies by sex, Lima, Peru

Senators 1980 Total 60 (58-2)				Senators 1985 Total 62 (59-3)			
Men	%	Women	%	Men	%	Women	%
58	96.7	2	3.3	59	95.2	3	4.8

Deputies 1980 Total: 162				Deputies 1985 Total: 180			
Men	%	Women	%	Men	%	Women	%

Education

Beginning with the textbooks used in our schools, women are depicted as mothers and wives performing a role secondary to that of the man.

The proposal put forward in the General Education Law, Law No. 19326 of March 1972, in article 11 of Title I "Guidance for a revaluation of women", offered women the same opportunities as men for free and full personal development as the sole authentic basis for the performance of their key family function and their creative participation in the process of transforming and improving Peruvian society.

The Regulation on the Revaluation of Women, Supreme Decree No. 16-72-ED, brings to bear on the orientation of activities at all levels educational sector measures and programmes aimed at the revaluing of the role of women, with the latter to be ensured access to all areas of work training without discrimination on the grounds of sex.

Chapter II of this Supreme Decree calls for the creation of the Technical Committee for the Revaluation of Women, to promote, supervise and co-ordinate educational activities directed at this revaluation, and to formulate a policy of multisectoral action towards this end, involving the generation of an awareness of this subject on the part of women and the general community.

This decree was cancelled by another (Supreme Decree No. 007-76-ED of 9 June 1976), which approved a new set of regulations for the revaluation of women in accordance with a body brought into being on 30 December 1974 and known as the "National Commission for Peruvian Women" (Decree-Law No. 21045 of 30 December 1974). This law was subsequently superceded by Decree-Law No. 22127 of 28 March 1978 on the grounds that the existence of the Commission was unnecessary, despite the fact that earlier attention had been called to the need for such a body as a means of channelling the efforts of the country's women's associations.

On 28 July 1974 there was publicly announced the Plan of the Revolutionary Government of the Armed Forces, known as the "Inca Plan".

This plan contained the following points:

"The Peruvian woman is not effectively exercising her civil rights; access by women to high political, administrative and other positions is very limited; the husband disposes over the property of the marriage without the consent of his wife; there is discrimination against women in employment and in the remuneration of labour; there is unjust and inhumane treatment of single mothers; and the low cultural level of the majority of the people is adding to the severity of the problem of the mistreatment of women by men.

"Objective: Genuine equality with men in rights and obligations.

"Actions: To promote the participation of women in all activities and in high-level positions; to eliminate all discriminatory treatment limiting the opportunities or affecting the rights and dignity of women; to promote the mixed

On 8 October 1977, approval was given to the Túpac Amaru Plan, which urged the participation of women in decision-making positions and reaffirmed the objective of the integration of women in the economic and political life of the country. The Plan's intention was to promote greater access by women to the educational system and, beyond that, to disseminate programmes in harmony with the new image of women and to modify the legislation wherever it limited women in the full exercise of their rights.

In the educational area, the objective was to improve the levels of education, expand educational programmes, and reduce illiteracy. Further goals were to strengthen on-the-job occupational training at all levels and in all forms of the educational system, tying these programmes in with the work-related activities of the community.

It may be said that all of this demonstrates the interest that existed on the part of the Government in advancing the role of women within society. In practical terms, however, it has not been possible to achieve these objectives because of problems of, among others, a political nature.

The Political Constitution of the State, enacted in 1979, asserts in article 24 that it is the State's responsibility to formulate educational plans and programmes and to direct and supervize education for the purpose of ensuring its quality and efficiency in the light of regional characteristics, and to provide everyone with equality of opportunities.

Given the heterogeneous character of the country's regions, we believe that it is very important to respect the cultural characteristics of each region and to bring about in each of them a situation genuinely conducive to equality of opportunities for women. The General Education Law No. 23384 of 1982 contains aspects of the educational reform as proposed by the Government of that time. In this Law, mention is made of the levels of the educational system, of education at a distance through televized courses, and of functional literacy training.

The National Population Policy Law, Legislative Decree No. 346, in its Chapter II makes reference to the subject of public education and to its objectives, which are: to contribute to the total training of the population so as to enable it freely and responsibly to assume its roles in the improvement of family and social life; to inculcate positive attitudes towards responsible paternity and sexuality; and to guarantee the equality of women vis-à-vis men in a manner free of all discrimination.

It is important to note that there has been a change in the traditional view of roles within the family, the plan being to encourage coeducation as a means of arriving at equality between the sexes.

Nevertheless, in reality the hoped-for results have not been achieved since the relegation of women to secondary roles in school textbooks continues and there has been a failure to implement the introduction of coeducation effectively. These factors, coupled with the minority participation of women at decision-making levels, means that the situation of women in this respect may still be regarded as one of discrimination, and that the existence of legal norms on the subject has

speaks of "exclusion, under pain of punishment, of any form of discrimination for reasons of sex ..., race, religion, political affiliation, language, occupation, civil status or the socio-economic situation of either of the parents".

These provisions are reproduced in the regulations. For example, article 8 of the Primary Education Regulation (Supreme Decree No. 003-83-ED) establishes that a pupil at the level of primary education has the right to be treated with dignity and respect, without discrimination, and to be informed of such provisions as concern him as a pupil. In this context, article 9 of the Secondary Education Regulation provides evidence of a trend towards the reduction of differences in education between men and women. Nevertheless, despite the existing legal requirements, there continue to persist in our society customs that discriminate against women in the matter of their access to education, accomplishing this through the "machismo" which is prevalent in our country and which is also expressed in the home, where different roles are assigned to men and women, the latter acquiring the responsibility for the running of the family, while the former enjoy preference and overevaluation.

The statistics are significant on this point. According to official figures taken from the last census and referring to an illiterate population of 5 years of age and over totalling 3,510,830 persons, 36.3 per cent are male and 63.7 per cent are female (National Census of Peru, 1984). Along the same lines, statistics regarding enrolment in primary education in 1981 reveal that the female contingent represented 48.2 per cent of this school population in comparison with a male contingent of 51.8 per cent. If we analyze comparatively these percentages with those established for secondary education for the same year (1981), we can infer a higher dropout rate for females, since girls accounted for 45 per cent of this enrolment as opposed to 55 per cent for boys.

The dropout rate is higher among girls, being even worse in rural zones where girls account for 77 per cent of the school population in the group aged 6 to 14 years, but decline to 25.2 per cent in the 15-to-19-year group.

In conclusion, we can infer that the access of women to the different levels of the educational system lags behind that of men, given that the rate of schooling by sex in the 15-to-19-year age group is 61.3 per cent for men and 52.3 per cent for women.

Employment

Our country has no specific labour policy for women. Both men and women are entitled to job security, a just wage, vacations and weekly rest, social benefits and retirement.

The norms governing women's labour are found in Law No. 2851, which dates back to the year 1918 and establishes a working day of eight hours and a working year of 45 weeks, pre- and post-natal leave, special indemnification for unjustified dismissal (salaried women employees receiving two salaries and women workers 50 daily wages), indemnification in the amount of three additional salaries if the employee or worker is pregnant at the time of dismissal, nursery services, and the right of a working mother to nurse her child for one hour during the first year of

Women work under the same conditions as men, being unaware of their rights, many of which are contained in this law.

With respect to remuneration, here too there is discrimination, despite the fact that article 43 of the Constitution provides for the right of men and women workers to the same remuneration for the same work performed.

In the employment announcements published in the newspapers it is common to observe a preference for male workers. The proportion of women in decision-making positions is lower than that of men.

In the Andean zone, women's work is intense and manifold, but nevertheless they have neither a fixed working schedule nor a period of rest, nor are they paid an equitable remuneration.

The two hours of rest required under Law No. 2851 are not accorded, and in practice it is the woman who works most, since in addition to working the same schedule as the man outside the home, she must also carry out her domestic tasks and take care of her family.

If a woman suffers a work accident, the indemnification paid her for that cause must be 25 per cent higher than that which would be paid to a man.

On the question of work at home, Law No. 8514 of 1937, in article 13, establishes equality of wages as between men and women.

In order to demand the exercise of their rights, women may turn to their trade union or to the Ministry of Labour.

As is known, women represent a small proportion of the wage-earning population with the opportunity to enter or form trade unions. Added to this difficulty and to the growing conditions of job instability and more informal employment structures are the difficulties women face in participating in trade union life.

The majority of women in the labour market have occupations that do not meet the conditions for trade union affiliation: independent work, piecework, domestic employment, etc.

During the period 1978-1982, around 27 per cent of women were wage-earners, but only 19 per cent of all persons organized in trade unions were women. There appears to have been a slight increase in the participation of women in trade union life, but there is no doubt that this increase is substantial in absolute terms: the number has gone from about 3,000 union-organized women to more than 43,000 in 1982. (Source: Ministry of Labour. Report on Trade Union Movements for 1983)

Within the national pension system, Decree-Law No. 19990 of 1973 on the subject of retirement sets 60 years as the retirement age for men and 55 years for women.

Decree-Law No. 20530 of 1974 establishes the pension and compensation system for civil servants who have worked for the State and are not covered under the

The economically active population (EAP) (above 15 years of age) which has or is seeking work in the country numbered 5,171,949 in 1981, with women accounting for 25 per cent of this total. However, the most significant datum is to be found in the non-economically active population (those above 15 years of age who are neither working nor seeking work), which stood at 4.7 million and in which women, at 3,713,000, represent 79 per cent.

Discrimination against women in employment continues. According to data for 1984 (Ministry of Labour), 44.5 per cent of the female EAP was underemployed as opposed to 31.3 per cent of the male EAP; 11 per cent were unemployed as opposed to 7.1 per cent for men. Similarly, for that same year, we find that the average income of the male EAP was 159.4 per cent, while that of the female EAP was 73.7 per cent (assuming a base of 100 for the average income of the male and female contingents considered together).

As we can see, many of the legal provisions cited above are out of step with the reality, which continues to witness the practice of discrimination against women.

There are a large number of women whose work is ambulatory, which, according to a supreme decree of 25 June 1921, is prohibited to women, (on the other hand, women who have reached their majority are permitted to work at kiosks and fixed stands). This is an example of how the reality has divorced the legal norm from its context and has brought an urgent need to legislate for this sector, in which working conditions are not adequate.

Law No. 24514 or Law of Labour Stability, enacted in 1986, regards as a form of harrassment sexual molestation at the work-place in an advance that reflects recognition of the claims of working women.

Under Law No. 24705 of 1987, housewives are regarded as independent workers and are brought under the retirement system, provided that they were born before 30 June 1936.

We might conclude this section by noting that, with regard to occupational health, consideration must be given to the claims of working women with respect to the prevention of occupational risks, mandatory medical check-ups, special leave for fathers and mothers for the care of sick children, etc.

Health

Peru is one of the countries of Latin America which have the lowest public health indicators. Further, it is a country where there is a marked difference in this respect between the more disadvantage strata of society and the higher-income groups, whose health is generally better.

The State Constitution recognizes the importance of health and provides in its article 15 that: "All persons have the right to the protection of their total health and the duty to participate in the promotion and protection of their own health, that of their family and that of their community".

the objectives of the Convention regarding non-discrimination since it does not include a woman who, while not married, lives with the insured, i.e., women in households established de facto and not through marriage. This instance of discrimination against this group of women is a serious matter since in our country the de facto union represents a frequent family model, so that under the present provisions women who live under this arrangement suffer discrimination in terms of social security benefits.

In the face of this situation, the social security system increased its health coverage under Law No. 24705, which includes housewives and/or mothers of families as independent optionally insured parties. However, this provision will not equalize the situation of cohabiting women with that of wives, since it requires a monthly contribution of 5 per cent of the minimum living wage (which these women do not receive) as a condition of eligibility for social security benefits.

Moreover, among the priority measures envisaged in the search for the protection of women, the importance of the dual mother-child unit has been taken into account in the country's health policies. Without wishing to question this importance, we believe that the law should also devote specific attention to the health of the woman as well, since women's health care requires this. What this means is that health policies must take account of the woman's health requirements and demands as considerations parallel to the concern for the mother-child unit. In this way, it will be possible to achieve the objective of extending timely, comprehensive and high-quality services. As noted by Nancy Palomino in the "Health Survey" conducted in 1988 by the Special Commission on Women's Rights, "the specific health problems of women have to do not only with their reproductive function and the stages associated with maternity, but also with the work they perform and with periods in their life that do not necessarily correspond to their fertile age".

Moreover, despite the fact that during their period in office various Governments have assigned priority to mother-child health, the goals set in this area have not been reached, as indicated by the high rates of mother-child morbidity and mortality in our country. The causes here lie in the large number of parturitions per woman, the short intervals between early pregnancies, and the large number of abortions, whereby the latter represents the greatest health problem, which affects not only women, but the State and society in general, and in the face of which there is no adequate and persistent policy of prevention on the part of the State.

In practice, women put in a double working day, since after performing their remunerated work they return to the home to carry out their domestic chores. This involves an overload that strikes directly at their physical and emotional health. As pointed out by Nancy Palomino, "Recognition of the situation of subordination in which women live, of the multiple role they perform, and of their corresponding added burden should facilitate the formulation of policies and programmes. A further element in this connection is that families differ one from the other; the nuclear family model is no longer valid for all. The economic role women play should not be measured only by indicators such as the economically active population, but also by their provision of monetary inputs and their work in the home and in the community. The devaluation that women experience in society

is an element of family cohesion, her contribution to society is not secularly valuated to the degree that it should be. The rural woman suffers discrimination because of her sex and because of her immersion in the rural sector, the sector that has been most depressed throughout the history of our country.

With regard to labour, there are no specific legal provisions apart perhaps from the Mountain Lands Law No. 1220 of 1909, which, however, does not cover particular aspects proper to agricultural activity.

A regulation of 17 April 1925 requires the establishment on agricultural property of nurseries, which today represent one of the demands of rural women who need to have their younger children looked after so that they can attend to their agricultural tasks.

Rural women are engaged in the marketing of agricultural products and the manufacture of textiles and craft items, endeavours in which they can count on the support of such agencies as the Ministry of Agriculture, the Association of Co-operation with Rural Women (ACOMUC) and the Ministry of Industry for the organization of a variety of fairs at the national level for the sale of their products.

On the question of land tenure, the Agrarian Reform Law (Law No. 17716) discriminates against women by not recognizing them as direct cessionaries. The Law uses the term "head of family", authorizing the award of the land to the wife or permanent companion only in the event of the decease of the Agrarian Reform beneficiary. This provision is strengthened under the regulation contained in Supreme Decree No. 212-69-AP, which indicates as a requirement the responsibility, on the part of the head of family, for the support of his wife or permanent companion and children.

Similar consideration is given to women in Law No. 22175 (Law of Native Communities and for the Agrarian Development of the Jungle and Jungle Fringe), which specifies that "in the case of the decease of the owner of a rural estate, the wife or permanent companion and one or more of the children shall continue as heirs". The important aspect of the Agrarian Reform Law so far as women are concerned is that it legally recognized the existence of de facto unions, an Andean tradition based on the ancestral custom of "servinacuy" or "trial marriage", which was later incorporated into the State Constitution and taken up in the Civil Code and such laws as Law No. 22175, although the Civil Code takes it into account only for the regulation of property matters.

With regard to training, the Government displays continuing interest in the technical and cultural advancement of the farmer, but in practice this concern is directed basically at men. The National Institute of Agricultural Research and Promotion (INIPA) and the National Forestry Institute, among the agencies of the State, have organized training courses, and there is an agreement between the Ministry of Agriculture and the United Nations Food and Agriculture Organization (FAO) for the preparation of audiovisual courses targeted on the rural population.

to the latter - this in response to the fact that, owing to problems such as the abandonment of the land following the emigration of the men, it is the women who are assuming the management of the plot, although because of their illiteracy, excessive work-load and the attention they must devote to their families they have no access to normal training courses.

Women do not genuinely participate at all levels. Although their opinion may be decisive within the family, women's influence is felt only within the family circle. There is evidence that this situation is changing, although very slowly.

On the question of medical care in rural areas, the country lacks an effective infrastructure and the resources with which to provide "adequate" services, although there are legal provisions of a general nature regarding rural women and health.

In the area of social security, Law No. 24645 of January 1987 extended health care coverage to field workers and the members of agricultural groups, settlements and communities and to other categories of persons. There is still no systematic information with regard to the results.

Women members of jointly owned agricultural communities, because of their status as such, are entitled to full participation in the community (Law No. 24656 of 1987) on a basis of parity with male community members.

The Government has encouraged the formation of "mothers' clubs" and women's organizations, with the ability to draw large numbers of members, for the purpose of being able to finance alternative strategies and develop programmes in response to common requirements and objectives in terms of a higher standard of living. In rural areas, clubs have been formed under the auspices of the Government and of private initiative.

On 15 January 1987, the Ministry of Justice issued Supreme Decree No. 001-87-JUS, which granted facilities for the registration of associations, mothers' clubs and the like in recognition of the advantages to be gained by having these groups focus their activities on areas regarded as non-traditional for women. In practice, what is happening is that there is a proliferation of these clubs in rural areas, which has given rise to a confused situation as to whether certain of them are genuinely representative or not.

On the question of access to agricultural credit and loans, although the Agrarian Bank, as the competent agency, professes a policy of openness, in practice a woman seeking a loan faces discrimination because she is not regarded as creditworthy, owing in principle to the problem of land tenure and the granting of guarantees.

With the enactment of the National Population Policy Law, Legislative Decree No. 346, priority was given to the development of the most backward rural zones, consistent with respect for the rights of the communities and natives and with guarantees, inter alia, of radical and educational

The socio-economic situation will tend to remain unchanged so long as certain traditional structures are maintained and so long as the effort is limited to modifying the effects of those structures.